

# Nadler, Clinton, Congressional Delegation and NYCOSH Demand that EPA 'Do its Job' on 3rd Anniversary of Damning Internal Report

Sunday, 20 August 2006

MANHATTAN, NY—Congressman Jerrold Nadler (D-NY) and members of the New York Congressional Delegation joined with the New York Committee on Occupational Safety and Health (NYCOSH) and labor representatives, environmental groups, community activists and local elected officials to denounce the Environmental Protection Agency's (EPA) continued failure to conduct a necessary testing and cleanup program in the aftermath of 9/11. This week marks the three year Anniversary of the EPA's Inspector General issuing of a damning report regarding the Agency's failure to protect the public's health in the wake of the World Trade Center attacks.

In a letter to the Agency, 17 members of the New York Congressional delegation, as well as Senators Hillary Rodham Clinton and Charles Schumer, called on the EPA to "comply with the findings of the EPA Inspector General's (IG) Report issued three years ago on August 21, 2003" and "make a full and complete disclosure to the public about the health risks associated with World Trade Center contamination, and institute a proper testing and cleanup program for all buildings contaminated by the terrorist attacks." The full text of the letter can be found below.

The 2003 Inspector General's Report detailed misleading and falsely assuring statements made by EPA officials about air quality post 9/11, and specifically cited White House interference as a major factor in those statements. It also found that the Agency's 2002 so-called "Indoor Air Residential Cleanup Program" was deeply flawed in design, too limited in scope, utilized inadequate testing and cleanup methods, and therefore did not meet "the minimum criteria for protecting human health the EPA established. . . ."

"As the lead federal agency for protecting public health and the environment, the EPA should have, from the beginning, led the efforts to respond to the unprecedented environmental catastrophe we experienced on 9/11" said Congressman Nadler "Instead, the residents, workers and school children have had to endure EPA's outright deceptions, so-called 'cleanup plans' totally lacking scientific merit, and inexcusable delays that have endangered the health and lives of countless people. To this day, we still do not have the comprehensive indoor testing and cleanup program that is so desperately needed, and that the EPA's own Inspector General called for in 2003."

In response to the publication of the IG Report, which was brought after nearly two years of pressure from Congressman Nadler, Senator Clinton and labor and community activists, the EPA agreed to establish the "World Trade Center Expert Technical Review Panel." The Panel's goal was ostensibly to finally develop a scientifically sound and technically feasible plan to determine the extent of remaining indoor contamination resulting from the collapse of the World Trade Center and clean it up. Unfortunately, after 20 months of work, EPA unilaterally disbanded the panel last Fall. Shortly thereafter, EPA announced a new testing and cleanup plan that ignored input from its own panel members, residents, workers and the community and fundamentally failed to correct the major problems identified by the Inspector General in 2003. This new and inadequate program has yet to be implemented."

It has been three years since the EPA Inspector General issued a report showing that EPA issued misleading statements regarding air quality levels in lower Manhattan following the World Trade Center attacks, and that their indoor testing and cleanup program was flawed" said Senator Hillary Rodham Clinton, "And as we approach the fifth anniversary of the attacks, it is long past time for EPA to do the right thing. New Yorkers deserve a testing and cleanup program that will give them accurate information about the health risks associated with World Trade Center contamination."

Joel Shufro, Executive Director of the New York Committee for Occupational Safety and Health, said "The very EPA that said the air downtown is safe to breathe is the same EPA that said that workers and their employers were on their own. EPA would not test workplaces, it would not clean up workplaces, it would not even set a minimum acceptable level of cleanliness for workplaces. Today, thanks to EPA, we have literally no idea how many workers are still being

exposed to 9/11 contamination and we have no idea how it may affect them. It is not too late to test and clean workplaces if necessary. We demand that EPA establish a science-based benchmark, and clean every workplace that does not come up to it.”

The text of the Delegation letter is as follows:

August 21, 2003

The Honorable Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Johnson:

We are writing as members of the New York Congressional Delegation to request that the Environmental Protection Agency (EPA) comply with the findings of the EPA Inspector General's (IG) Report issued three years ago on August 21, 2003.

The report of the Inspector General confirmed that the Environmental Protection Agency misled the public concerning the health hazards created by the collapse of the World Trade Center, and that the limited indoor cleanup program conducted by the Agency was not adequate to meet the minimum criteria under federal law to protect public health. As we approach the fifth anniversary of the attacks, it is critical that the EPA make a full and complete disclosure to the public about the health risks associated with World Trade Center contamination, and institute a proper testing and cleanup program for all buildings contaminated by the terrorist attacks.

The IG Report found that "for the general public, EPA's overriding message was that there was no significant threat to human health." In addition, the report stated that the Agency "did not have sufficient data and analyses" to make a "blanket statement" when it announced seven days after the attack that the air in Lower Manhattan was safe to breathe. Rather than provide a science-based risk assessment of the hazards facing workers and residents, "competing considerations, such as national security concerns and the desire to reopen Wall Street, also played a role in EPA's air quality statements." Accordingly, the IG Report recommended that EPA take action to ensure that public pronouncements regarding health risks and environmental quality are adequately supported with available data and analysis.

The IG Report also found that a limited, unscientific cleanup of selected sites performed by EPA was not adequate to comply with federal laws that govern protection of the public health and environment. For example, the IG Report found that this flawed cleanup program did not meet the minimum criteria for protecting human health that the EPA has established under the law, used sub-par testing equipment and non-aggressive methodologies, and only tested for one of the many contaminants of concern (asbestos). The IG report recommended that the EPA implement a testing program to ensure that the indoor cleanup effectively reduced health risks from all pollutants of concern, and implement a

verification program to determine whether previously cleaned residences have been re-contaminated. The IG also asked the Agency to consider expanding the cleanup program to workplaces.

It has been five years since the terrorist attacks, and three years since the IG Report documented EPA's mishandling of the environmental response to 9/11. Unfortunately, the EPA has yet to comply with the findings in the IG Report. For many of those who lived and worked in the area, and for others from New York and across the country who participated in the rescue and recovery and were exposed to the dusts and fumes which blanketed Lower Manhattan and Brooklyn, the collapse of the World Trade Center has precipitated a public health crisis, as evidenced by the increasing reports of the deaths of scores of workers as well as widespread illness among workers and residents.

We believe that the EPA owes the people of New York, and the citizens of this country, substantive action on this critical matter. Therefore, we respectfully request that you provide us with a written response, by the fifth anniversary of 9/11, detailing when the EPA will finally comply with the findings of the IG Report. We also request that you provide us with copies of all the documents referenced in the IG Report.

The EPA can take steps to restore the public trust it lost in its response to the September 11th attacks by taking immediate and proper action to protect the public health and the environment for those impacted. It is imperative that we move forward in a constructive manner to prevent further harm to those who have been, or continue to be, exposed to World Trade Center contamination. Finally, while we fervently hope that we never witness such an act of terrorism again, we must be prepared to respond effectively in the event of future acts of terrorism or other national emergencies.

Thank you for your consideration of this request. We look forward to your prompt response.

Sincerely,

Hillary Rodham Clinton	Jerrold Nadler
United States Senator	Member of Congress

Charles E. Schumer	Charles B. Rangel
United States Senator	Member of Congress

Major R. Owens	Joseph Crowley
Member of Congress	Member of Congress

Nita M. Lowey	Anthony D. Weiner
Member of Congress	Member of Congress

Carolyn B. Maloney	Gregory W. Meeks
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Member of Congress	Member of Congress
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Edolphus Towns	Eliot L. Engel
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Member of Congress	Member of Congress
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Gary L. Ackerman	Steve Israel
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Member of Congress	Member of Congress
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Timothy H. Bishop	Carolyn McCarthy
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Member of Congress	Member of Congress
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Maurice D. Hinchey	Nydia M. Velázquez
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Member of Congress	Member of Congress
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José E. Serrano

Member of Congress

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